

Serial No. 09/988,050  
Amdt. Dated: PROPOSED  
Reply to Office Action of September 10, 2004

Docket No. HI-0055

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 31-53 are pending in the present application. Claims 1-30 have been cancelled, claim 31 has been amended, and claims 32-53 have been added by the present amendment.

In the outstanding Office Action, the drawings were objected to; claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by Van Lieshout et al.; claim 31 was rejected under 35 U.S.C. § 102 as anticipated by Toskala et al.; claims 8-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Van Lieshout et al. in view of Toskala et al.; claims 20-25 and 27-29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Toskala et al. in view of Van Lieshout et al.; and claims 26 and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Toskala et al. in view of Van Lieshout et al. and TSG – RAN Working Group 3 Meeting #11 (TSG-RAN).

Figures 1 and 2 have been amended as suggested in the Office Action. Accordingly, it is respectfully requested the objection to the drawings be withdrawn.

Further, as noted above, claims 1-30 have been canceled. Accordingly, the rejections regarding these claims are moot. Thus, the only rejection left is the rejection of claim 31 under 35 U.S.C. § 102(e) as anticipated by Van Lieshout et al., which is respectfully traversed.

Serial No. 09/988,050  
Amdt. Dated: PROPOSED  
Reply to Office Action of September 10, 2004

Docket No. HI-0055

Amended independent claim 31 is directed to a method for controlling a transmission power of a transmission format combination indicator (TFCI) for a downlink shared channel (DSCH), in a mobile station communicating with at least one base station through a dedicated channel (DCH). The method includes selecting at least one base station transmitting the TFCI for the DSCH, determining whether a primary base station exists among the at least one selected base station, and controlling the transmission power of the TFCI using a power offset based on determining whether the primary base station exists.

On the contrary, Toskala et al. merely discusses a DSCH being associated with a DCH in column 9, lines 61-67 and teaches controlling a transmission power of each field TFCI, TPC, pilot in the DPPCH (see column 10, lines 39-43, for example). There is no discussion in Toskala et al. about controlling the transmission of the TFCI for the DSCH. Note the TFCI includes, for example, a TFCI1 for the DCH and the TFCI2 for the DSCH (see the paragraph bridging pages 3 and 4 in the present application, for example). Further, it is respectfully noted Toskala et al. also does not teach or suggest determining whether a primary base station exists among base stations transmitting the TFCI for the DSCH and then controlling the transmission power of the TFCI based on using a power offset according to the determination made. Rather, Toskala et al. merely teaches the transmission power of the TFCI is set by adding P1 and the offsets P01, P02 and P03, respectively (see column 10, lines 39-43). Toskala et al. does not control the transmission power of the TFCI

Serial No. 09/988,050  
Amdt. Dated: PROPOSED  
Reply to Office Action of September 10, 2004

Docket No. HI-0055

for the DSCH based on whether a base station transmitting the TFCI for the DSCH is a primary base station. Accordingly, it is respectfully requested this rejection be withdrawn.

In addition, new claims 32-53 have been added to set forth the invention in a varying scope and Applicants submit the new claims are supported by the originally filed application. It is respectfully submitted the cited art does not teach or suggest the claimed features.

Further, the specification has been amended to correct minor informalities. It is believed no new matter has been added.

Serial No. 09/988,050  
Amdt. Dated: PROPOSED  
Reply to Office Action of September 10, 2004

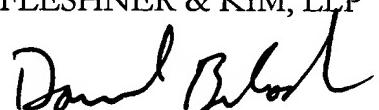
Docket No. HI-0055

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, David A. Bilodeau, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



Daniel Y.J. Kim  
Registration No. 36,186  
David A. Bilodeau  
Registration No. 42,325

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK:DAB/par:lew  
**Date: February 10, 2005**

**Please direct all correspondence to Customer Number 34610**

Serial No. 09/988,050  
Amdt. Dated: PROPOSED  
Reply to Office Action of September 10, 2004

Docket No. HI-0055

**Amendments to the Drawings:**

Figures 1 and 2 have been amended to include labels "Prior Art." Formal drawings will be submitted in due course.

Attachment: Annotated Sheets Showing Changes